

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

**Case No. 95-CR-194
(13-C-1286)**

O'NEAL WOODS,

Movant.

DECISION AND ORDER

The Court is in receipt of a letter from O'Neal Woods which cites a variety of recent Supreme Court decisions; claims that he is entitled to immediate and unconditional release; and asks the Court to "construe this letter into the proper Vehicle that this Honorable Court needs to 'Grant' the relief most respectfully requested." This is an unauthorized, successive collateral attack, as it is a motion "claiming . . . that the sentence was in excess of the maximum authorized by law . . ."

28 U.S.C. § 2255(a). "Prisoners cannot avoid the AEDPA's rules by inventive captioning. Any motion filed in the district court that imposed the sentence, and substantively within the scope of [§ 2255(a)], is a motion under § 2255, no matter what title the prisoner plasters on the cover." *Melton v. United States*, 359 F.3d 855, 857 (7th Cir. 2004) (emphasis in original).

Accordingly, the Court lacks jurisdiction to consider Woods' motion. The Clerk of Court is **DIRECTED** to open a separate civil § 2255 action with Woods'

motion [ECF No. 304 in Case No. 95-CR-194], which is **DISMISSED** for lack of jurisdiction. The first three pages of this letter (the handwritten portion) should be unsealed. The attachment, two pages of an addendum to Woods' pre-sentence report, should remain sealed. The Court will not issue a certificate of appealability with respect to that action. Rule 11(a), Rules Governing Section 2255 Proceedings.

Dated at Milwaukee, Wisconsin, this 13th day of November, 2013.

BY THE COURT:


HON. RUDOLPH T. RANDA
U.S. District Judge